

Decision **PROPOSED DECISION OF COMMISSIONER PEEVEY**
(Mailed 8/12/2014)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Policies,
Procedures and Rules for the California Solar
Initiative, the Self-Generation Incentive Program
and Other Distributed Generation Issues.

Rulemaking 12-11-005
(Filed November 8, 2012)

**DECISION DENYING PETITION FOR MODIFICATION
OF DECISION 12-05-036 AS MOOT**

Summary

This decision dismisses as moot the petition for modification of Decision 12-05-036 filed by the Solar Energy Industries Association on July 2, 2012.

1. The Petition for Modification is Moot

On May 24, 2012, the California Public Utilities Commission (Commission) adopted Decision (D.) 12-05-036, which established a method for calculating the statutorily required limit on the number of megawatts of renewable distributed generation that may receive service under the Net Energy Metering (NEM) tariffs.¹ In addition, that decision committed the Commission to conducting an updated study of the costs and benefits of net energy metering, and indicated that the Commission intended to adopt a new policy in place of the current NEM tariffs by January 1, 2015. Decision 12-05-036 also contained a requirement that

¹ This limit on participation appears in Section 2827(c)(4)(B) of the public utilities code.

the existing NEM tariffs would be suspended as of January 1, 2015, if the Commission had not yet adopted a new policy in place of the existing tariffs.

Several parties filed applications for rehearing on the suspension provision of D.12-05-036, and on July 2, 2012, the Solar Energy Industries Association (SEIA) filed a petition for modification requesting changes to that same provision. Subsequently, the Governor signed into law Assembly Bill (AB) 327 (Ch. 611, Stats 2013) that, among other things, provides guidance on the calculation of the NEM cap and requires the Commission to keep current NEM tariffs in place until either the NEM cap is reached or July 1, 2017, whichever occurs first. This change to statute provides guidance on the same issues that had been addressed in D.12-05-036, thereby making the provisions of Commission decision D.12-05-036 unnecessary. As a result, the Commission adopted D.13-11-026 which vacated D.12-05-036 and dismissed the applications for rehearing of that decision as moot.

Because D.12-05-036 has been vacated, the SEIA petition to modify that decision is now also moot. As a result, this decision dismisses the SEIA petition for modification as moot.

2. Comments on Proposed Decision

The proposed decision of Administrative Law Judge (ALJ) Jessica T. Hecht in this matter was mailed to the parties in accordance with § 311 of the Public Utilities Code and comments are allowed pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure. No comments were received.

3. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Jessica T. Hecht is the assigned ALJ in this proceeding.

Findings of Fact

1. D.12-05-036 contained a requirement that NEM tariffs would be suspended as of January 1, 2015, if the Commission had not adopted a new policy in place of those tariffs by that date.
2. AB 327 was signed into law on October 7, 2013.
3. AB 327 provides guidance on the same issues that had been addressed in D.12-05-036, thereby making the provisions of Commission decision D.12-05-036 unnecessary.
4. D.13-11-026 vacated D.12-05-036 because of the adoption of AB 327.

Conclusion of Law

1. AB 327 requires the Commission to keep current NEM tariffs in place until either the NEM cap is reached or July 1, 2017, whichever occurs first.

O R D E R

IT IS ORDERED that:

1. The petition for modification of Decision 12-05-036 filed by the Solar Energy Industries Association on July 2, 2012, is dismissed as moot.
2. Rulemaking 12-11-005 remains open.

This order is effective today.

Dated _____, at San Francisco, California.